

APPEAL,CLOSED,PROSE-NP,TYPE-F

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:15-cv-01844-TSC
Internal Use Only

YELVERTON et al
Assigned to: Judge Tanya S. Chutkan
Case: 1:15-cv-00552-TSC
Case in other court: USBC for the District of Columbia,
09-00414
Cause: 11:8001 Bankruptcy Appeal

Date Filed: 10/30/2015
Date Terminated: 11/05/2015
Jury Demand: None
Nature of Suit: 422 Bankruptcy Appeal
(801)
Jurisdiction: Federal Question

In Re

STEPHEN THOMAS YELVERTON

represented by **STEPHEN THOMAS YELVERTON**
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Arlington,, VA 22201
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Appellant

STEPHEN THOMAS YELVERTON

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Date Filed	#	Page	Docket Text
10/30/2015	<u>1</u>		Notice of APPEAL FROM BANKRUPTCY COURT. Bankruptcy Court case number 09-414. filed by STEPHEN THOMAS YELVERTON. (Attachments: # <u>1</u> Motion For Leave to Appeal and Papers Relating, # <u>2</u> Certified Docket Sheet, # <u>3</u> Civil Cover Sheet)(td) (Entered: 11/02/2015)
10/30/2015	<u>2</u>		NOTICE to Counsel/Party (td) (Entered: 11/02/2015)
10/30/2015	<u>3</u>		NOTICE OF RELATED CASE by STEPHEN THOMAS YELVERTON. Case related to Case No. 15-552 TSC. (td) (Entered: 11/02/2015)
11/02/2015	<u>4</u>		ORDER denying <u>1</u> Motion for Leave to Appeal Bankruptcy Matter. Signed by Judge Christopher R. Cooper on 11/2/15. (lccrc1) (Entered: 11/02/2015)
11/05/2015	<u>5</u>		ORDER of DISMISSAL. Signed by Judge Tanya S. Chutkan on 11/5/15. (DJS) (Entered: 11/05/2015)
12/07/2015	<u>6</u>		MOTION for Leave to Proceed in forma pauperis by STEPHEN THOMAS YELVERTON (td) (Entered: 12/09/2015)

12/07/2015	<u>7</u>		NOTICE OF APPEAL as to <u>5</u> Order, <u>4</u> Order by STEPHEN THOMAS YELVERTON. Fee Status: IFP Pending; No Fee Paid. Parties have been notified. (td) (Entered: 12/09/2015)
12/09/2015	<u>8</u>		Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. Motion to proceed on appeal in forma pauperis has been filed. Another transmission will be forwarded when the motion has been decided re <u>7</u> Notice of Appeal. (td) (Entered: 12/09/2015)
12/10/2015	<u>2</u>	3	ORDER denying <u>6</u> Motion for Leave to Appeal in forma pauperis. Signed by Judge Tanya S. Chutkan on 12/10/15. (DJS) (Entered: 12/10/2015)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE: STEPHEN THOMAS YELVERTON,

Appellant.

Civil Action No. 15-cv-1844 (TSC)
Bankruptcy Case No. 9-bk-414

ORDER

Appellant/Debtor Stephen Thomas Yelverton sought to appeal a ruling of the Bankruptcy Court, but this court dismissed the appeal after Judge Cooper determined the appeal was frivolous. (See ECF Nos. 4, 5). Yelverton is the subject of a pre-filing injunction, entered by Judge Cooper, which requires that Yelverton seek leave before he can pursue litigation in this court. *See In re Yelverton*, 13-cv-1544-CRC (ECF No. 19). Judge Cooper entered the injunction after finding that Yelverton had: (1) filed over 40 lawsuits, adversary bankruptcy proceedings, or appeals of the bankruptcy court's rulings; (2) filed over 150 motions, including more than 50 motions to reconsider, vacate, amend or obtain relief from a judgment or order; (3) repeatedly made the same arguments before various courts despite prior resolutions against him; (4) filed motions for purposes of harassment; and (5) been the object of at least three other judges' bar orders.

Before the court is Yelverton's "Motion for Leave to Proceed *In Forma Pauperis*," in which he seeks permission to appeal dismissal of the instant case without paying the required filing fee. (ECF No. 6). "An *in forma pauperis* litigant's access to the courts is a matter of privilege, not of right, and should not be used to abuse the process of the courts." *Williams v. McKenzie*, 834 F.2d 152,154 (8th Cir. 1987)(citation omitted). Whether to permit or deny an application to proceed *in forma pauperis* is left to the court's discretion. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988); *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963). "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." *Wooten v. District of*

“In the absence of some evident improper motive, the applicant’s good faith is established by the presentation of any issue that is not plainly frivolous.” *Wooten*, 129 F.3d at 208 (quoting *Ellis v. U.S.*, 356 U.S. 674 (1958)).

A review of Yelverton’s *in forma pauperis* motion indicates nothing which might establish that his “appeal [from the present action] involves legal points arguable on their merits (and therefore not frivolous).” *Howard v. King*, 707 F.2d 215, 220 (5th Cir.1983) (citation and internal quotation marks omitted). Indeed, Yelverton rehashes the same arguments he has unsuccessfully raised on appeal on numerous other occasions. As such, any challenge to dismissal of this action in the United States Court of Appeals for the District of Columbia Circuit would be frivolous.

Accordingly, Yelverton’s motion is hereby denied.

The Clerk of the Court shall mail a copy of this order to:

STEPHEN THOMAS YELVERTON
3033 Wilson Boulevard
Suite E-117
Arlington, VA 22201

Date: December 10, 2015

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge